STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,	UNPUBLISHED May 22, 2001
v	No. 222703 Macomb Circuit Court
NORVELL JACQUES ALSTON, Defendant-Appellant.	LC No. 99-000286-FC

Before: McDonald, P.J. and Murphy and Meter, JJ.

PER CURIAM.

Following a jury trial, defendant was convicted of armed robbery, MCL 750.529; MSA 28.797, and first-degree home invasion, MCL 750.110a; MSA 28.305(a). He was sentenced to concurrent prison terms of fifteen to forty years for the armed robbery conviction and seven to twenty years for the first-degree home invasion conviction. He appeals as of right. We affirm.

Defendant first argues that verbal and written statements that he made to the police following his arrest were involuntary, and that the trial court erred in admitting them into evidence. We disagree. At a *Walker*[1] hearing, defendant testified that the Troy police officers who arrested him threw him to the ground and punched and kicked him in the head for three to five minutes. He maintained that one of the officers hit him across the face and uttered a racial epithet. Following his arrest, defendant was taken to the Sterling Heights Police Department for booking.[2] He was not placed in a cell and was at the station for approximately one hour before the interview in which he gave the contested statements. Defendant acknowledged that he received only facial swelling during his arrest, and the interviewing officer testified that he did not notice any injuries on defendant. Although defendant maintains that he asked the Sterling Heights booking officer to see a doctor, he did not request medical treatment from the interviewing officer. Defendant testified that the interviewing officer was "very cordial" in the interview room and "didn't threaten me or anything like that."

[1] *People v Walker*, 374 Mich 331; 132 NW2d 87 (1965).

[2] The charged offenses occurred in Sterling Heights.

When reviewing a trial court's determination of voluntariness, we examine the entire record and make an independent determination of the issue as a question of law. *People v Wells*, 238 Mich App 383, 386; 605 NW2d 374 (1999). The primary consideration in determining whether a defendant voluntarily waived his right against self-incrimination is the conduct of the police involved. *Id.* at 387. The use of an involuntary statement coerced by police conduct offends due process under the Fourteenth Amendment. *Culombe v Connecticut*, 367 US 568, 601-602; 81 S Ct 1860; 6 L Ed 2d 1037 (1961); *Wells, supra* at 386.

In *Wells, supra* at 388, the defendant claimed that he had been beaten during his arrest and that this beating induced his subsequent statement to the police. This Court observed that, "if an earlier beating is particularly severe, if the abuse continues until the time a confession is given, if the same officers are involved in both the beating and the procuring of the statement, or if there is no change in the setting, then courts may find that a confession was involuntarily given." *Id.* at 389. However, "if there is no causal connection between the events at the time of arrest and the giving of a subsequent statement, than a confession will be found to be voluntary if the other circumstances show that the defendant gave his confession freely and voluntarily." *Id.*

Here, there is no causal connection between the alleged circumstances of defendant's arrest by the Troy police officers and his subsequent interview at the Sterling Heights Police Department. Defendant acknowledged that he was not in fear of the situation in the interview room. Thus, even if defendant's testimony regarding the circumstances of his arrest were true, defendant's subsequent statements at the Sterling Heights Police Department were voluntary. Accordingly, the trial court did not err in admitting the statements into evidence at defendant's trial.

Defendant also contends that there was insufficient evidence to support his conviction of armed robbery and that, at most, he should have been convicted of attempted armed robbery. We again disagree. Viewing the evidence, specifically the complainant's testimony, in the light most favorable to the prosecution, we conclude that a rational trier of fact could find that the essential elements of the offense were proved beyond a reasonable doubt. See *People v Johnson*, 460 Mich 720, 722-723; 597 NW2d 73 (1999); *People v Randolph*, 242 Mich App 417, 419; 619 NW2d 168 (2000). Defendant took a small amount of cash from the complainant's purse and also took various personal items that had been left lying around the complainant's home. That defendant was subsequently thwarted in his efforts to force the complainant to withdraw a large amount of cash from her bank account does not reduce his liability to guilt of only attempted armed robbery.

Affirmed.

/s/ Gary R. McDonald
/s/ William B. Murphy
/s/ Patrick M. Meter